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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,065	06/25/2002	Jorg Kagi	1647/7	9286

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EXAMINER

HURLEY, SHAUN R

ART UNIT PAPER NUMBER

3765

DATE MAILED: 08/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary

Application No.

10/030,065

Applicant(s)

KAGI, JORG

Examiner

Shaun R Hurley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-22, 24-31 and 33-37 is/are rejected.
- 7) ☒ Claim(s) 23 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because Applicant needs to remove the term “(Figure 4)”. Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

Page 1, lines 3-4 and page 2, line 3 refer to specific claims by number, which is improper. During prosecution of the instant application, renumbering and cancellation of claims can occur, causing confusion. Applicant should remove the specific claim recitations and instead substitute the language of the intended claims into the specification. Appropriate correction is required.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-23 have been renumbered 15-37.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 15-22, 24-31, and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai (4677817) in view of Panasiuk et al (5228929).

Kanai teaches a polished, treated steel traveler for use on a ring spinning, the traveler being treated so as to provide increased wear resistance on its contact surfaces (Abstract; Figures 1, 4, 5, and 8). Panasiuk teaches us that it is well known to treat steel machinery components by subjecting them to an oxidizing treatment followed by a nitriding treatment (Abstract; Figures 2, 3) comprising heating the steel to 450 - 600° C for 3 - 60 hours (Column 3, lines 36-43) while supplying a nitriding agent in the form of a gas comprising NH_3 and N_2 components, a nitrogen-enriched liquid, or a nitrogen-enriched plasma, components of sulfur and carbon (Column 2, lines 9-25), all of which provides for a steel component having connecting layer of thickness 0.1 - 30 μm and a diffusion layer of thickness 1 - 2000 μm (Column 2, lines 24-25; Column 3, lines 45-50; Column 4, lines 46-48). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the steel machinery component treatment of Panasiuk, which increases wear resistance, on the steel ring spinning machine traveler of Kanai, so as to provide resistance to wear. Treating steel travelers for wear resistance is well known, and many methods exist to do so. The ordinarily skilled artisan would understand that a traveler would need to be treated, and would know what treatments could be used, including those which provide wear resistance to steel machine components.

In reference to a surface color of black, blue, yellow, or white, Applicant has failed to adequately describe or disclose why such a requirement is considered new and inventive. As such, Examiner holds that such a limitation is obvious and the ordinarily skilled artisan would

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know what color the surface should be. Examiner notes that the reaction of steel in a nitriding treatment will in fact provide such colors and therefore is inherent of the method.

In reference to polishing the traveler before or after the nitriding treatment, while polishing after production is taught, both would be well known. Travelers MUST be smooth, they are subject to constant surface-to-surface contact, and a rough traveler would fail quickly, as well as destroy any yarn guided. As such, the ordinarily skilled artisan would understand to polish the traveler before and/or after treatment, so as to ensure an vitally smooth surface.

In reference to the core containing chromium, vanadium, aluminum, molybdenum, manganese, or nickel, this is inherent of steel, as well as containing iron.

Allowable Subject Matter

6. Claims 23 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seiki et al (2003/0087091), Kusakari et al (6568164), Dajoux et al (5753052), Maruta et al (4885905), and Staehli (4308715) all teach what is well known in the treated machine component art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R Hurley whose telephone number is (703) 605-1236. The examiner can normally be reached on Mon - Fri, 7:00am - 4:00pm, off every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SRH

August 13, 2002


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700